

**MEETING MINUTES OF  
CITY OF ALAMEDA PLANNING BOARD  
MONDAY, DECEMBER 14, 2009**

1.    CONVENE:           7:10 p.m.
2.    FLAG SALUTE:    Vice-President Autorino
3.    ROLL CALL:       Present: President Ezzy Ashcraft, Vice-President Autorino,  
                                  Board members, Cunningham and Kohlstrand.  
                                  Absent: Board members Cook, Lynch and Zuppan

4.    MINUTES:  
Minutes from the Special meeting of September 10, 2009. Due to the lack of quorum to vote on the item, the Board continued this item to the next Planning Board hearing on January 11, 2010.

Minutes from the meeting of September 28, 2009.

B. Kerr, submitted comments on item 9-A (Use Permit and Rezoning for Del Monte and Encinal Terminals properties) of the September 28, 2009 meeting.

Due to the lack of quorum to vote on the item, the Board continued this to the next Planning Board hearing on January 11, 2010. The Board directed staff to revise the minutes to reflect more Board discussion.

Minutes from the meeting of November 23, 2009. Kohlstrand motioned, seconded by Vice-President Autorino to approve the minutes. Motion passes 4-0.

5.    AGENDA CHANGES AND DISCUSSION:  
Staff requested a continuance of item 9-B to the Planning Board hearing of January 11, 2010. Board member Cunningham motioned, seconded by Board Member Kohlstrand to continue the item to the next hearing. Motion passes 4-0.

6.    STAFF COMMUNICATIONS:

Written Report

**6-A**    Future Agendas

Staff provided an overview of projects at future meetings.

**6-B**    Zoning Administrator Report

The Zoning Administrator approved a Use Permit for temporary parking and leasing offices at Grand Marina (Warmington Homes). A Variance for 617 Taylor was continued to the next Zoning Administrator hearing.

Oral Report

Staff provided a brief update on the initiative at Alameda Point and the Oakland-Chinatown Meetings.

7. ORAL COMMUNICATIONS:

C. Risley, Alameda resident, spoke about the enforcement of the conditions of approval for the Use Permit for Kohl's hours of operation. She discussed that Kohl's had already violated the conditions of approval and asked for clarification on the resolution.

President Ezzy Ashcraft asked that staff clarify the resolution, thresholds of violation, and provide more information on this issue at the next hearing.

Mr. Corbitt, General Manager, requested that Kohl's be properly informed if they are in violation and that if a revocation hearing be scheduled, that every effort be made to inform the applicant.

8. CONSENT CALENDAR:

**8-A Design Review – DR05-0132 for a new single family dwelling – 3295 Adams Street.** The applicant proposes to construct a two-story single family dwelling with an attached garage on a vacant lot located adjacent to the intersection of Adams Street and Fernside Boulevard. Staff requested a continuance of this item to the Regular Planning Meeting of January 25, 2010.

**8-B Bayport Development Agreement Annual review - DA-99-01 – FOCIL-BP, LLC and Bayport Alameda Associates, LLC.** The applicant requests a Periodic Review of Development Agreement, DA-99-01, for the period from July 2007 through September 2009, as required under Zoning Ordinance Section 30-95.1. The properties are zoned MX (Mixed Use Planned Development District).

**8-C Alameda Landing Development Agreement Annual Review DA06-0003 – Palmtree Acquisition Corporation.** The applicant requests a Periodic Review of Development Agreement, DA06-0003, for the period from August 2008 through September 2009, as required under Zoning Ordinance Section 30-95.1. The properties are zoned MX (Mixed Use Planned Development District).

Board member Cunningham motioned, seconded by Board Member Kohlstrand to approve the consent calendar. Motion passes 4-0.

9. REGULAR AGENDA ITEMS:

**9-A Safeway Store PLN09-0349 Consideration of a Use Permit to extend Truck Delivery Hours.** The Safeway Store is requesting use permit approval to allow truck deliveries between the hours of 6:00 AM and 7 AM. Approved 4-0

**Walgreens Store PLN09-0348 Consideration of a Use Permit to Allow additional Truck Delivery Hours.** The Walgreens store is requesting use permit approval to allow truck deliveries between the hours of 6:00 AM and 7:00 AM. Approved 4-0

**Big 5 Sporting Goods Store PLN09-0073 Consideration of a Use Permit to extend Truck Delivery Hours.** The Big 5 Sporting Goods store is requesting use

permit approval to allow truck deliveries between the hours of 6:00 AM and 7:00 AM.  
Approved 4-0

**Petco Pet Supply Store PLN09-0259 Consideration of a Use Permit to Allow additional Truck Delivery Hours.** The Petco Pet Supply store is requesting use permit approval to allow truck deliveries between the hours of 6:00 AM and 7:00 AM.  
Withdrawn

**Panera Bread Store PLN09-0353 Consideration of a Use Permit to Allow additional Truck Delivery Hours.** The Panera Bread store is requesting use permit approval to allow truck deliveries between the hours of 6:00 AM and 11:00 PM. Approved 4-0

Staff presented the projects.

Mr. Corbitt, Alameda Towne Centre (ATC) General Manager, spoke in favor of approving the use permits to allow for a viable retail operation at ATC.

Mr. Farrar, Big 5 Manager, spoke in support of the use permit for Big 5, stating that not receiving the use permit would significantly impede smooth operations at this location.

Mr. Provan, Panera Bread Manager, spoke in support of the use permit for Panera Bread. He explained that other delivery times for the raw dough would not be possible, as that would negatively impact daily store operations.

Mr. Alvarado, Walgreens Manager, spoke in support of the use permit for Walgreens. He stated that the noise levels of delivery and off loading at the new location have significantly dropped in comparison to the old location. He explained that the largest deliveries are for the pharmacy. If deliveries were postponed to later times, it would significantly impact clients of the pharmacy.

Mr. Parodes, Safeway Manager, spoke in support of the use permit for Safeway. He explained the truck delivery route and timing of delivery at ATC. He stated that Safeway has made an effort to delay the arrival of 18 wheel tractor trailers to after 6 a.m. that does have a negative impact on store operations.

President Ezzy Ashcraft opened the public comment period.

Ms. Risley, Alameda resident, stated her concerns about trucks traveling through residential neighborhoods impacting resident's sleep and the apparent inability of the current tenants to abide by current rules and regulations. She recommended that the applicants not be rewarded for this bad behavior and the Planning Board should not grant a use permit to extend the hours of operation.

Ms. Sellers, Alameda resident, stated that the size of the delivery trucks does not significantly reduce the noise levels and that granting different tenants different delivery hours cannot be enforced.

Mr. Libby, Alameda resident, stated that the trucks going and leaving the shopping center

has a negative impact on the quality of life (sleep) of Alameda residents. He then read from several sleep deprivation studies.

President Ezzy Ashcraft closed the public comment period.

Board member Cunningham supports the use permits and stated that the proposed use permits strike a balance the community's need for quality of life and economic viability.

Board Member Kohlstrand seconded Board member Cunningham's comments and added that the Planning Board is mindful of the community's needs.

Vice-President Autorino is in favor of granting extended hours of operation regardless of the type of business. He supports the use permits as presented.

President Ezzy Ashcraft noted her support for the use permits.

Board member Cunningham asked staff how a 'public nuisance' is defined and how it would be addressed.

Staff clarified that the noise ordinance provides some guidance and that violation of the use permit conditions would be handled through revocation hearings.

President Ezzy Ashcraft pointed out that the regulations provide a reasonable framework and that the community is carefully observing the businesses' operations. She cautioned the businesses to adhere to the rules and regulations to avoid further review of permits by the Planning Board.

Board member Cunningham motioned, seconded by Board Member Kohlstrand to approve the use permits as proposed to allow extended hours of operation. Motion passes 4-0.

**9-B Variance – PLN09-0285 – 2927 Marina Drive – G. Fitzgerald & S. Jeffries.** The applicants request a Variance for an as-built wall extension, which encloses a sewer pipe and includes a window that reduces the side yard setback required by Alameda Municipal Code for R-1, One Family Residence District.

Staff requested a continuance of item 9-B to the Planning Board hearing of January 11, 2010. Board member Cunningham motioned, seconded by Board Member Kohlstrand to continue the item to the next hearing. Motion passes 4-0.

**9-C Municipal Code Amendment – City of Alameda** A Municipal Code Amendment to amend the Alameda Municipal Codes Sections 30-36 and 30-37 related to Design Review and related amendments to the Guide to Residential Review and the Webster Street Design Manual.

Staff presented the proposed amendments to the ordinance.

Mr. Buckley, Alameda Architectural Preservation Society (AAPS), discussed his comments submitted to the Planning Board at the November 9<sup>th</sup> meeting and the present meeting.

Ms. Faiz, City Attorney, explained that State laws prohibit the review of solar arrays through local jurisdiction's design process.

Ms. Moehring, West Alameda Business Association (WABA) Executive Director, cautioned to exempt projects going through the Façade Grant Program from Design Review as the Façade Grant Program is a volunteer-based group, which may not always have the design skills as it currently possesses. In the future, Façade Grant Projects may require professional design skill expertise.

Staff recommended that the Board approve the amendments submitted to the Board on Friday 11, 2009, and incorporate Mr. Buckley's definition of 'architectural detail', as well as WABA's amendment regarding awnings and sign exemptions.

Board Member Kohlstrand asked why some projects would be recommended to the Planning Board as noted in the Administrative Guidelines, as opposed to placing that requirement in the ordinance.

Staff explained that this requirement would be placed in the Administrative Guidelines, to allow for some flexibility as needed on a case by case basis.

Board Member Kohlstrand asked for clarification on how the story poles requirement would be implemented and the extent of the story pole placement.

Staff explained that the story pole requirement could be satisfied with a single pole, instead of an elaborate construction. It would be required for second story additions and new buildings.

Board member Cunningham asked how long the story poles would be placed.

Staff stated that the story poles would be placed on site, which would then kick-off the public notice period. The poles would have to be safely secured on site.

Board Member Kohlstrand asked for clarification on the difference between Design Guidelines and a Design Review Manual.

Vice-President Autorino supported the amendments, but questioned whether the changes would alleviate workloads.

Staff discussed that the workload would not be increased, but that this process would assist in recouping the cost, while also increasing accountability and transparency.

Board Member Kohlstrand motioned, seconded by Vice-President Autorino to approve the amendments submitted to the Board on Friday 11, 2009, incorporating Mr. Buckley's definition of 'architectural detail', as well as WABA's amendment regarding awnings and sign exemptions. The Board directed staff to ensure that all documents are internally consistent. Motion passes 4-0.

**9-D Zoning Text Amendment – Medical Marijuana Dispensaries - Applicant: City of Alameda.** A proposed text amendment to amend the Alameda Municipal

Code to prohibit establishment of medical marijuana dispensaries within the City of Alameda.

Vice-President Autorino requested that staff facilitate a Planning Board site visit to a medical marijuana dispensary.

Board member Cunningham motioned, seconded by Vice-President Autorino to continue this project to the next Planning Board meeting of January 11, 2010. Motion passed 4-0.

10. WRITTEN COMMUNICATIONS:

None.

11. BOARD COMMUNICATIONS:

Vice-President Autorino announced that Lowe's will sell solar panels to individuals starting January 2010.

12. ADJOURNMENT: 10:15 p.m.